

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

JOSEPH GERHART, ET AL )  
Plaintiff )  
 )  
v. ) Civil Action No. 3:11-cv-00586  
 )  
RANKIN COUNTY, MISSISSIPPI, )  
ET AL )  
Defendant )

MEMORANDUM IN SUPPORT OF MOTION TO QUASH SUBPOENA

Robert Sheely, Jr., M.D. files this Memorandum in support of Motion to Quash Subpoena and would show unto the Court he received this subpoena 19 August 2019.

That no communications were received by Robert Sheely, Jr., M.D. concerning this case prior to the subpoena.

That Robert Sheely, Jr., M.D. allegedly saw Joseph Gerhart 10 years ago while employed at Baptist Medical Center and he has no records or memory of providing any treatment to Joseph Gerhart except some hearsay information from plaintiff's process server. See Exhibit "A".

That Robert Sheely, Jr., M.D. has been provided no medical records to show he ever saw Joseph Gerhart.

That pursuant to the Professional Guide for Attorneys and Physicians of the Mississippi Bar and the Mississippi State Medical Association attached hereto as Exhibit "B", plaintiff's

attorney should have provided notice to Robert Sheely, Jr., M.D. to provide him reasonable notice of intention to call him, to advice of date, approximate time and place of his appearance, and fair and reasonable compensation for court appearance. Plaintiff and his counsel have done none of the above.

The subpoena of Robert Sheely, Jr., M.D. for him to testify at a trial in this civil action beginning at 1:30 p.m. on 3 September 2019 and continuing day to day until called or released at a witness should be quashed or he and Merit Health Medical Group, Primary Care Reservoir should be reasonably compensated under Rule 45 (d) (3) (C) for all the time requested.

Dated: 27 August 2019.

RESPECTFULLY SUBMITTED,

/s/Christopher A. Tabb  
Christopher A. Tabb  
Post Office Box 87  
Brandon, Mississippi 39043  
(601) 825-4320  
MS Bar No. 7420

CERTIFICATE OF SERVICE

I, Christopher A. Tabb, attorney for Robert Sheely, Jr., M.D. do hereby certify that I sent by CM/ECF, a true and correct copy of the

above and foregoing Memorandum in support of Motion to Quash to all parties.

This the 27<sup>th</sup> day of August, 2019.

/s/ Christopher A. Tabb  
CHRISTOPHER A. TABB